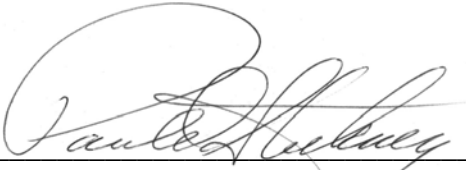




April 14, 2006. DCHD filed a third affidavit on April 21, 2006. The Court then entered its Conclusions and Recommendation, recommending that the District Court grant DCHD's motion for summary judgment. On May 17, 2006, Plaintiff filed objections, and on May 19, 2006, Plaintiff filed a declaration, stating the DCHD did oversee the medical care at Dallas County Jail during the relevant time period. In light of Plaintiff's objections and declaration, the District Court re-referred this case to the United States Magistrate Judge for report and recommendation on May 23, 2006. The Court finds that a genuine issue of material fact is present and recommends that the District Court **DENY** DCHD's motion for summary judgment.

Signed this 26<sup>th</sup> day of May, 2006.



---

PAUL D. STICKNEY  
UNITED STATES MAGISTRATE JUDGE

**INSTRUCTIONS FOR SERVICE AND  
NOTICE OF RIGHT TO APPEAL/OBJECT**

The United States District Clerk shall serve a true copy of these conclusions and recommendation on the parties. Pursuant to Title 28, United States Code, Section 636(b)(1), any party who desires to object to these conclusions and recommendation must serve and file written objections within ten days after being served with a copy. A party filing objections must specifically identify those conclusions or recommendation to which objections are being made. The District Court need not consider frivolous, conclusory or general objections. A party's failure to file such written objections to these proposed conclusions and recommendation shall bar that party from a *de novo* determination by the District Court. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Additionally, any failure to file written objections to the proposed conclusions and recommendation within ten days after being served with a copy shall bar the aggrieved party from appealing the legal conclusions of the Magistrate Judge that are accepted by the District Court, except upon grounds of plain error. *See Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).

A handwritten signature in black ink, appearing to read "Paul D. Stickney", is written over a horizontal line.

PAUL D. STICKNEY  
UNITED STATES MAGISTRATE JUDGE